**OPEN TO-NIGHT** 

(ESTABLISHED 1853.)

# Toys, Games, Dolls, etc.

Are going with a rush in the basement.

## Holiday Books

Are selling at a lively rate on the second floor.

## Christmas Handker-

chiefs Are everywhere on the

main floor. Will you be down today?

#### INDIANA OIL FIELDS

WINTER OPERATIONS RETARDED BY BAD CONDITION OF ROADS.

Number of Wells Completed in December and Their Product-Major Doxey Seeking New Territory.

Special to the Indianapolis Journal.

MONTPELIER, Ind., Dec. 20.-Operations in the Indiana oil fields for the month of December, now closing, show an increase in completed wells, which has been attended by a decrease in new production, resulting in lowering the average from 221/4 for November wells to 20 1-3 for those of December. This result, taken in connection with the fact that most of the completed work is in old territory may cause some reflection as to the necessity of expanding the range of activity or being contented to see actual production brought down to a reasonable approximation of the consumptive demand. To those not engaged in the industry who may follow these reports, it may be prudent to say that measuring new production does not mean measuring the actual production of the field per month. The latter is better obtained from the pipe line reports compiled monthly. New production is merely that of such wells as are drilled in during the month. The success of new ventures in the oil fields has not been as it was in the preceding month. Adhering pretty closely to the established territory shows an appreclable conservatism which was manifested further in the limited number of test wells npleted during the month. Throughout the entire field work may be considered as about holding its own. The completed wells increased from 350 to 152, and the new production decreased from 2,565 to 2,305 barrrels. The weight of new production is still in Wells county, but Grant county is

A brief comparison between the figures of December of the present year and the nding month in the preceding years will set at rest those pessimistic statements that are heard from time to time that the off indutry has seen its best days; that it is being ruined and despoiled; that activity is becoming less and the operators dis-couraged. The following will show the num-ber of wells completed in December for the 205, 152. Increases all around it; 1894, 218; nust lead to the question how fast must stry advance to remove the idea stagnation from some men's minds? ing figures are for the work of De-r against that of November, being a ary of completed wells:

-December.-

Comp.

\*\*\*\*\*\*\*\*\*\*\*\*\* gton ...... -November.-Comp. Prod. 1,605 205 220 180 antington ...... ncrease completed wells..... pecrease new production, barrels.....260 ncrease dry holes or gas wells...... January wells, barrels..... 25 2-3 March wells, barrels..... 20 April wells, barrels...... 23 1-9 May wells, barrels...... 2416 June wells, barrels...... 2616 November wells, barrels..... 22 1-8 December wells, barrels..... 20 1-3

The following tables show the compara-tive number of wells in course of drilling and the number of rigs in position ready -December.-Drg. Rig. Total. ..... 60 slackford ..... Jay ..... Grant ..... 2 funtington ..... Miscellaneous ...... 29 -November .-Drg. Rig. Total. Adams ...... 16 Frant ..... 21 intington ...... 3 

In the Indiana fields there are two great drawbacks-the dry weather the past summer and the bad roads this winter-and between the two it is rather an expensive luxury. Now the water is plenty, and, in consequence, the roads are ugiy. Notwithstanding all these drawbacks, a vast
amount of work is being done, and much
more mapped for the winter months. The
ler's Cocoa and Chocolates with your next
order. Once tried, always used.

and water scarce. This work, of course, could only be done in advance in the established oil poools, so the advance work and wild-catting will suffer to a certain extent, A good many advance test wells are going down throughout the State. The Elcho Oil Company (Standard) has

purchased the entire oil production and leases owned by the Alexander Bros, in the Montpeller field, at a nice, round sum. The Standard Oll Company is erecting a larger boller repair shop here. The Ohio Off Company (Standard) has completed a two-hundred-and-fifty-barrel oil well on the Evers farm, south of here. Baugher & Co. finished a sixty-five-barrel well on the Ely farm, in the same district.
The Buffalo and Indiana Oil Company
finished a one-hundred-and-twenty-barrel well on the Sharp farm, Nottingham township, Wells county. Spellacy, Kerr & Lineman finished a one-hundred-and-fifty-barrel well on the Turner farm, same township.

Major Doxey's Explorations. Special to the Indianapolis Journal.

HARTFORD CITY, Ind., Dec. 20 .- Major Doxey has some faith in the theory that the Lick creek bottoms, near this city, is cream oil territory He has taken some leases here and will commence to develop the territory. He has taken a large acreage along the L. E. & W. railway, and secured several farms south of the city. The very limited supply of oil in the Dela-ware county field has caused Mr. Doxey to move northward, and he will not cease trying until a territory is found that will yield him returns for his ventures. The prospects are very flattering for the opening of an extensive oil field here, as the older gas wells are badly impregnated with the crude

#### NEW ENGLAND DINNER

ANNUAL BANQUET OF THE SOCIETY AT THE DENISON.

Addresses by Dr. Gladden of Columbus O., Byron K. Elliott, Bishop White and Many Others.

The fifth annual reception and banquet of

the New England Society of Indianapolis was held at the Denison House last night. The banquet was preceded by a reception, which was held in the parlors from 6 to 6:30 p. m. About one hundred and fifty guests were seated when the banquet opened, at half-past 6. Rev. Dr. Hyde, pres- | Special to the Indianapolis Journal, ident of the society, together with Dr. | RUSHVILLE, Ind., Dec. 20 .- The County Washington Gladden, of Columbus, O., ex-Judge Elliott, Bishop White, the newlyelected bishop for the Episcopal diocese of Indiana. Dr. Brayton and other prominent members, accompanied by their wives, were seated at a large circular table in the center of the room. The tables were tastefully decorated with flowers, and the guests spent the time until 9 o'clock enjoying the delicate menu and social conversation. A few minutes after 9 o'clock Dr. Hyde arose and made a few brief remarks touching upon the objects and purposes of the society. He referred to the loss the society had sustained since its last banquet in the death of two distinguished members, Stoughton J. Fletcher and John M. Butler. He said the society had the pleasure of being honored with the presence of Dr. Washington Gladden, of Columbus, O.

Dr. Gladden took up the history of the little body of men who gathered together in the historic manor of Screwby, and who were called "Separatists," or Puritans. He told of the distinguished historical characters who had occupied the manor house o Screwby, among them being Cardinal Wol Several years before the Pilgrim fathers came to this country and landed at Plymouth rock the manor house was occupied by William Brewster, one of the most able and earnest of the Puritans. In the stable of the manor house they gathered for religious worship amidst the persecu tions of their enemies of the established church. Dr. Gladden spoke of the different attempts the despised and persecuted bod of men made to leave England, and fol lowed them through the years spent in Holland before they finally embarked for America. John Robinson, one of the body men who formed themselves into that little society at Screwby, Dr. Gladden thought light well be regarded as the Moses of the Puritans, and he, like that other Moses was never permitted to visit the promised land. Dr. Gladden eulogized Robinson and spoke of his many accomplishments and the refinement and intellectuality of his

Following Dr. Gladden, Judge Elliott responded to the sentiment, "Puritanism in our national life." He said one could say nothing new on the subject of the effect Puritanism has had on this country, and he could only hope to refresh the memory of the members of the society on some of the things that had resulted from the early Puritan spirit. He said the Puritans gave to us local self-government. The hand that enned the words, "We agree before God hat the freely-expressed will of the jority shall be the law of all and all shall obey it," made possible the idea of constitutional liberty.

"The New England home," opened his remarks with the statement that he was a descendant of the Puritans, was a Jew of the Jews, in all the term implied. The Bishop is an earnest, enthusiastic speaker, and succeeded in duly impressing the guests with the great importance the home life had in building up New England character. He said that while he was not himself a native New England, he came from a family resentatives from the three great New Englege to spend the first seven years of his listry in a New England State, where he had ample opportunity to observe home life. The great feature, he thought, was the ex-treme simplicity that existed. Then, too, the mighty dignity of work was kept constantly in the minds of the children, and they were early impressed with the idea that work and learning were great virtues.

Dr. Brayton had for his subject "The per-

sistency of the type." All the speakers before the Doctor had extolled and praised the rugged character and sturdy honesty of the Puritans. The Doctor seemed to think there had been too much of those characteristics in the Puritans for its survival, and that they needed a little less of psalm singing and a little more of the French spirit of laughter and mirth and dancing. The Doctor spoke at some length on the subject, and showed it was impossible that one type should survive through many generations. Rev. M. L. Haines was given the subject of the "Mayflower and the Half Moon," or, as he put it, "The Half Moon and the May-It fell to his lot to show that the uritans had not done all that has been one for the establishment of religious freedom and the upholding of great principles in this country. He alluded to the fact that the Puritans first fled from England to Holland, where they were given refuge for several years and were permitted to live under the conditions they sought in this country. "Religious freedom is not a product of this soil," said he. "It is an importation." Dr. Haines said he had no desire to belittle the great work done by the Puritan fathers. and was proud one of his ancestors had been a Puritan, but at the same time he was glad another grandparent had been a descendent of the early Hollanders. Dr. Haines referred to England's successful attempt to drive the Dutch from New York, and said she there showed the same despicable character she is now showing in her efforts to steal 50,000 square miles of territory from Venezuela. The final toast, "New England in the war," was responded to by Attorney-gen-

#### eral Ketcham.

Insane Patient Dies. William Nays, a patient received at the Central Hospital for the Insane Thursday evening, was found dead in bed yesterday morning. Deputy Coroner Long held an inquest and decided the man died from pneunonia. The man was sent to this city from the poor farm in Vigo county, and the physicians at the insane asylum say he should never have been sent. No examina-tion was made as to his condition Thursday night, the physician in charge expecting to examine him yesterday morning. The Vigo ounty authorities telegraphed yesterday hat the man's relatives were unknown, and directed that he be buried here.

Pickpockets at Work.

Joseph Eck, of No. 520 East Ohio street, had his pockets picked in front of the When clothing store yesterday. He lost \$5. Mrs. Mary Mentz, of No. 705 Chestnut street. North Indianapolis, lost her pocketbook on a North Indianapolis car yesterday It contained \$6. She thinks it was taken by another woman who say beside her. The grocery at Vermont and Hanna streets was broken open yesterday morning and a lot of groceries hauled away. The loss was discovered when the proprietor went to

#### \$10.000 FIRE LOSS

TWO BUILDINGS AND STOCKS OF GOODS BURNED AT FRANKFORT.

Spirited Courthouse Dispute Among Rushville Citizens-Heavy Rainfall at Hammond.

Special to the Indianapolis Journal. FRANKFORT, Ind., Dec. 20 .- Fire broke out in the third story of the Bryant & Daily drug store at 1 o'clock to-day and the building, with the one adjoining, belonging to J. W. Coulter, was damaged to the extent of several hundred dollars. The loss on Bryant & Daily's stock of goods, damaged by water, is estimated at \$5,000, and A. B. Kempf's grocery stock about \$800. Total loss, \$10,000, covered by insurance distributed among the following companies: Western of Toronto, German-American of New York, London and Lancashire, Girard of Philadelphia, Continental of New York, Springfield F. and M., and Home of New

Campbell-Irwin Damage Suit.

Special to the Indianapolis Journal. CRAWFORDSVILLE, Ind., Dec. 20 .- The ten-thousand-dollar damage suit of Miss Edna Campbell against the wife and children Dr. S. G. Irwin, a prominent resident here, has been on trial several days, and has drawn a large crowd. The evidence closed to-day at noon. The case was a peculiar one. Miss Campbell was employed by Dr. Irwin as bookkeeper. One evening Mrs. Irwin and a daughter and son went to the office and threw Miss Campbel out upon the sidewalk, injuring her hip and bursting a blood vessel. Miss Campbell then sued for damages. Mrs. Irwin testified that her husband was drunk the day of the trouble, and was in bed in a back room of his office, and that Miss Campbell was fanning him. She also said that the actions of her husband and Miss Campbell were of such a suspicious nature as to warrant decisive action on her part. Dr. Irwin and Miss Campbell testified that there was nothing wrong between them in their relations, and the Doctor said that he had a perfect right to employ whom he pleased in his office, and that it was not the business of his family to interfere. The jury

A Courthouse Controversy. Commissioners last night returned from a tour of inspection of the courthouses at Tipton, Frankfort, Monticello, Winamac, Logansport, Peru, Rochester and Muncle. While at Rochester and Winamac they investigated the record of A. W. Rush & Son, of Grand Rapids, the architects of the proposed Rush county courthouse. Great opposition to the building of the courthouse, especially to the employment of Rush & Son, has developed since the recent action taken by the citizens of South Bend, where Rush & Son are the architects of a new county building. investigation was satisfactory and Rush & Son will be retained as the architecets and their plans will be accepted at a special meeting of the County Commissioners, to be held Jan. 15. It is proposed to award contract for the building at the March term of the board. Remonstrances against the courthouse proposition will probably be filed and an injunction suit has been

Over Five Inches of Rainfall.

Special to the Indianapolis Journal. HAMMOND, Ind., Dec. 20 .- Five and one half inches of rain has fallen here since Tuesday evening, and the indications are that more rain will come to-night. The greater part of the city is under water and a great deal of damage has been done. The sewerage system is taxed beyond its limits. Never before in the history of Hammond has there been such a rainfall. In Homewood, a little town, where many of the better class of citizens are located, the water stands from six inches to three feet deep. Many basements have flooded, and the electric street railway has been retarded in its operations. One of worst features of the deluge is the large amount of sewage being carried into Lake Michigan. All the city's drinking water is pumped from the lake, and it will be contaminated by the filth. Dr. Clark, act-ing secretary of the local Board of Health, has issued a notice against using the water for table purposes until it has been boiled

Serious Discussion of Electric Roads Special to the Indianapolis Journal. NEW ALBANY, Ind., Dec. 20 .- A meeting was held to-day by the Commercial Club

to discuss the project of constructing an electric railroad connecting this city with the towns of Leavenworth, on the river below this city, and Sellersburg, eight miles northwest. Delegations were present from Corydon, Leavenworth, New Amsterdam, Sellersburg, Elizabeth, Mauckport and other neighboring towns, F. H. Striely, of Cincinnati, representing the Schenectady Electrical Supply Company, was present and addressed the delegations relative to the costs of the enterprise. Committees from the various towns are to be appointed a once to raise money to make a survey of the routes and report at another meeting, to be held in January.

Not a Regular "Hold Up." Special to the Indianapolis Journal.

MUNCIE, Ind., Dec. 20 .- Lake Erie Western officials of the Ft. W., C. & T. railway deny the story related here last night by passengers of the alleged attempt to hold up south-bound passenger train No. 43, near Keystone, Wells county. The story given by dispatcher Roberts is that a passenger, and when it was found secreted under a seat a fight ensued. The thie had friends on the train, who went to his rescue, and the trainmen and other passengers took part. Many persons believe the story as reported last night by the two traveling men.

Suicide of an Old Resident.

Special to the Indianapolis Journal. SHELBYVILLE, Ind., Dec. 20 .- Joseph Cummins, of the undertaking firm of Cummins & Edwards, of this city, yesterday afternoon took morphine with suicidal intent and died this morning at 6 o'clock. Deceased was born in Waynesville, O., April 7, 1820, and came to this county when quite young. He married Miss Eliza Moore in 1844, and she, with two children, survive. For years he has had attacks of mental aberration, and for a time was confined in the Central Hospital for the Insane. He was the oldest member of the Masonic order in this county. He was also a member of

Farmers Meet in Noblesville.

Special to the Indianapolis Journal. NOBLESVILLE, Ind., Dec. 20 .- The Hamilton County Farmers' Institute met in Wilds's Opera House this morning. The address of welcome was by Judge R. R. Stephenson, response by Chairman T. E. Bowles. Papers were read on "How to Grow Corn in a Dry Season," by James M. Riley: "Contagious Diseases of Live Stock and How to Treat Them," by Professor A. Bitting, of Purdue University: "The Farmer as a Student of His Business." W. Babcock; "Economy on the Farm. by Mrs. Maggie Mallery; "The Horse's Foot and How to Care for It," by Professor Bit-

A Protege of Tramps.

Special to the Indianapolis Journal. LOGANSPORT, Ind., Dec. 20.-Two weeks ago a six-year-old boy was taken from a couple of tramps here and put in the orphans' home. The tramps were using him to do their begging, and were supposed to graphed over the country, and to-day the sheriff of this county received a letter from John Bridgman, of Morehouse, Mo .. asking for information about the boy, and giving a description of a son stolen from his home Nov. 25, 1894. The description tallies with that of the waif, and it is likely the father has at last found his lost child.

Brakeman Christwell Killed. Special to the Indianapolis Journal.

COLUMBIA CITY, Ind., Dec. 20.-Walter Christwell, a Wabash brakeman, was killed at this place this afternoon. While attempting to mount a car in motion he missed his footing and fell under the train. Both legs wer cut off below the knees. He died in about four hours. He leaves a wife and two children at Peru. The Cat Played Tramp.

Special to the Indianapolis Journal. BRAZIL, Ind., Dec. 20.-All day yester-

appeared suddenly and no trace of it could be found. This cat has been his constant companion at the office for several months and he could not believe it had purposely strayed away. He was greatly surprised when the passenger train returned from the north and he saw his pet curled up on the trucks under the passenger coach, where it had ridden during the day, making the round trip from this city to Lebanon.

Echo of the Sloop Murder Trial. Special to the Indianapolis Journal. DELPHI, Ind., Dec. 20.-The close of the Sloop murder case at Monticello was marked by an exceedingly dramatic incident. Judge Reynolds, who represented the defendant, became involved in a dispute with Prosecuting Attorney Wilbur, and the latter calmly informed Reynolds that he was a liar, preceding the epithet with an exceedingly expressive adjective. Judge Reynolds made a dash for his opponent, but was headed off by a deputy sheriff who

happened to be standing near by. Conference of "Heavenly Recruits."

Special to the Indianapolis Journal. ELWOOD, Ind., Dec. 20. - To-day Heavenly Recruits, a new church, representatives of which have been in session here three days, organized its first State conference west of Pennsylvania. About twenty ministers were present, representing about that many churches, all there are in the State. Rev. J. W. Davis, of this city, was selected presiding elder, and the plan of the year's work of 1896 was mapped out. The sect is only three years old and has spread rapidly.

Montgomery Farmers' Institute. Special to the Indianapolis Journal. CRAWFORDSVILLE, Ind., Dec. 20 .- The Montgomery, County Farmers' Institute is in session to-day at the courthouse, and will also be held through to-morrow. J. M. Harshbarger, the county president, presided, and M. B. Waugh is secretary. Papers were read by Cal Husselman, Howard Keim, Lew W. Cochran, J. S. Fullen-wider, and Mrs. Virginia C. Meredith, of Cambridge City. Recitations were given by Clara Rice and Homer Miller.

Cambridge Girl, 2:11 1-4, Sold.

Special to the Indianapolis Journal. RICHMOND, Ind., Dec. 20.-Valentine Sell, of Cambridge City, has sold his great pacing mare, Cambridge Girl, 2:114, to R. B. Robbs, of Allston, Mass., who bought her to head his annual sale in January. Just what he paid for the animal is not known, but it was considerably over \$1,000. Mr. Robbs also bought several horses from John S. Lackey, of Cambridge City, and Red Thorn, 2:15, owned by Dave Whelan, of this city.

Glass Works Employe Fatally Burned Special to the Indianapolis Journal.

ELWOOD, Ind., Dec. 20 .- John Boland, aged fifty, employed at the McBeth lamp chimney works, was fatally scalded to-night by walking into a tank of boiling water. In company with three other employes he was leaving the factory by the usual path, when he lost his way and walked into the open tank, scalding both legs to the hips, also the right arm and side so terribly that the fiesh fell off when his clothing was removed.

Farmers Discussing Methods. Special to the Indianapolis Journal.

WABASH, Ind., Dec. 20.-There was large attendance at the opening session of the Wabash County Farmers' Institute here this morning. W. W. Stevens, of salem, spoke of the enormous waste in feeding. K. K. Jones read a paper on "How Shall Farmers Market Their Products." John Paullus, of Treaty, made a speech on "But-ter Making," and Mrs. J. B. Unger spoke of "The Ideal Farm Home."

Bloodhounds After Horsethieves. Special to the Indianapolls Journal. AURORA, Ind., Dec. 20.-Several horses ouggies, sets of harness and saddles were

stolen from Joe Sanders, near East Enterprise, last night. Kentucky bloodi are on the trail of the thieves. Indiana Deaths.

LOGANSPORT, Ind., Dec. 20.-William Bedwards, of the plumbing firm of Stevens & Bedwards, of this city, died at Peru last night, after two days liness from peritonitis. Mr. Bedwards was well known in this and adjoining States. He was a prom-inent Knight Templar and a high degree Mason. He was born in England thirty nine years ago, but has lived in this country and State thirty years. He came to Logansport in 1887

RICHMOND, Ind., Dec. 20.-Mrs. Danie Surface died this afternoon at her home, in this city, aged fifty-five. Her maiden name was Katherine Kumler and she was a native of Butler county, Ohio, being a sister of Judge Phil Kumler, of Cincinnati.

Indiana Notes. Ex-County Recorder Charles O. Nixor has been appointed financial officer of the

Hon, S. E. Nicholson lectured to a crowd ed house at the Worthington M. E. Church, Thursday night, on "Good Citizenship." Steps were taken to organize a league at

Wabash is to have a gymnasium an reading room. The project was originated women members of the variou clubs in that city. The federation of clubs has secured a pledge of \$700 for the first

Yesterday afternoon John Ford was a rested by the Muncle police, at 1:45 o'clock on the charge of stealing razors. At o'clock, or one hour and fifteen minutes later. Judge Koons sentenced the man to State's prison for one year.

The First Presbyterian Church of Rush ville has issued a handsome "Historical Souvenir of Rush County," containing thirty-four pages, profusely illustrated wit copies of the work have been printed.

Herbert Spencer's Heroic Struggles.

Review of Reviews. The sacrifices involved in the preparation and production of the gigantic work thus heralded to the world were little short of heroic. Those who know Mr. Spencer by his books alone may have thought of him merely as devoting himself to philosophy out of the abundance of his material wealth and comfort. The truth is far oth erwise. No man ever lived a more ascetic life or denied himself more for the sake of the task he had undertaken for humanity. In his evidence given before the com-mission on copyright he tells us in plain words, though in the most severely im-personal and abstract manner, the story of his hard and noble fight during the un-recognized days of his early manhood. Not a fight for bread, not a fight for fame, remember, but a fight for truth. For his "Social Statics," in 1850, he first book. could not find a publisher willing to take any risk; so he was obliged to print it at his own cost, and sell it on commission. The edition consisted of only 750 copies and it took no less than fourteen years to Such are the rewards of serious thought in our generation. Five later, he printed the original form of the "Principles of Psychology." Again no publisher would undertake the risk, and he published on commission. Once more 750 copies were printed and the sale was very slow. "I gave away a considerable number," says Mr. Spencer pathetically, "and the remainder sold in twelve and a half years." During all that time, we may conclude from the sequel, he not only made nothing out of those two important and valuable books, but was actually kept out of pocket for his capital sunk in them

Wagnerism in Chicago.

Harper's Weekly. Triumphant Wagnerism may now be fairy said to have added Chicago to its permanent conquests. The series of Wagnerian performances given there last week and this by Mr. Walter Damrosch have been, on the whole, the most worthy and adequate that the Chicago public has known, and have proved a great popular success. What is most striking about it all is the serious way in which this season of opera has been taken. Study classes and lecture recitals have been going on industriously in all sec-tions of the city, and leitmotifs have been the order of the day. The time of the witlings, when it was though funny for a man to say that he would rather hear a high cock crow than a low hen grin, or chuckle over the profane sound of the wor "Gotterdammerung," seems to have passed, although some of the newspaper critics, with their usual sapience, still harp upon Wagner's lack of melody, or the immoral character of Teutonic mythology, or the awful effects of German opera upon the voice. But these observations have somehow lost their point of late years, and the public persists in preferring Wagner to Donizetti, although a vocalist like Madame Melba succeeds now and then in galvanizing "Lucia" into life. It has taken twenty years to make the Chicago public accept Wagner without reserve, but the work done, thanks to the efforts of Messrs. Thou as, Seidl and Damrosch.

DECISION

DEMURRER SUSTAINED AGAINST THE STATE BY JUDGE BROWN.

Holds 1801 Tax Law Unconstitutional So Far as It Seeks to Tax Express Companies' Gross Receipts.

Judge Brown, of the Circuit Court, has

sustained the demurrer of the defendant in the sult of John O. Henderson and the State of Indiana against the United States Express Company to collect delinquent taxes and penalties. The court's decision will practically end the litigation as far as the Circuit Court is concerned. The suit has been pending for more than a year. It was brought by ex-Auditor of State Henderson to enforce the payment of delinquent taxes and to collect heavy penalties for failure to comply with the statutes. The suit was based on the law of 1891, by virtue of which it became the duty of express companies, between the first of April and the first of May, each year, to deliver to the Auditor of the State a statement verified by the oath of the officer making the report, showing the entire receipts of each agent of the defendant doing business in Indiana, including its proportion of gross receipts from the entire business done by the defendant in connection with the other companies. The law exacted a penalty of \$100 a day for each day the report was delayed. About \$225,000 was involved in the suit. In sustaining the demurrer of the express company to the complaint the court holds the law of 1891 constitutional. In his ruling, he says: "The act under which this action is brought is void in toto under the authority of the case of the Southern Railroad Company against the city of Asheville. It will not do to say that under the reports made by the company as required, the taxing

by the company as required, the taxing board may tax only the gross receipts from commerce wholly within the State of Indiana. Under the provision of the act the tax is to be levied on the gross receipts, less certain charges, without any reference to the gross receipts derived from business wholly within the State. As was said in the case above referred to 'we do not deal with what the Council did do, but what it could have done under the authority conferred have done under the authority conferred upon it.' The board could have taxed inter-state commerce under this authority and there was no power to separate the business done in the State from all business within express company against Seibert, 142 U. S., 339. It is contended that those paragraphs hich count upon the penalty provided for Section 68 of the tax law of 1891 are good If I am correct in the views taken above the defendant was under no obligation to furnish the information required by that act. No penalty would attach for refusing to comply with the requirements of an in-valid law. The demurrer is sustained."

BEFORE THE SUPREME COURT.

Cases of Importance in Which Deci sions Are Expected Soon.

The Supreme and Appellate Courts ad journed yesterday until Jan. 7. The work of these two courts is now closer up with the dockets than it has been since the Supreme Court fell behind several years ago. The time was when it took about three years to reach a case that took its turn on the docket, while now a case can be reached in eight or nine months. The legislative apportionment case, which was argued orally a short time ago, is now the most important case before the court There has been no intimation as to when a decision may be expected, but it is be-lieved that it will not be delayed longer

than January. ore the court in eight cases, several of them involving the same points. Attorneygeneral Ketcham will make an effort to have all these cases considered at one time, so that one opinion will cover them al A decision is not expected until spring, and it is probable that by that time many other points in this law will be before the court. The coal miners' case is another one o reat importance. This is the case in which the mine owners are attempting to have set aside the law compelling them to pay the miners for the work according to weight before screening. This is an old case and a decision is looked for at any time. It was expected before the holiday adjournment. A decision is also expected soon after the reassembling of the court in the Eel River railroad case, which involves the right of

mpeting lines of railway to consolidate. A WOMAN LAWYER.

Miss Caroline B. Hendricks Admitted to Practice in This County.

Indianapolis is to have a woman lawyer She is Miss Caroline B. Hendricks, who was admitted to practice in the Marion and Su-Soldiers' and Sailors' Orphans' Home, in perior courts yesterday. Miss Hendricks is Rush county, vice Maj. H. H. Woods, rethe daughter of the late A. W. Hendricks, who was a member of the law firm Baker, Hord & Hendricks, and a sister of attorney Allen W. Hendricks. Miss Hendricks has attended the Indianapolis Law school, and at present is engaged in reading law with the firm of Ayres & Jones.

The legality of admitting women to practice at the har was settled by the Supreme Court in 1893. The question was raised by the Circuit Court of Green county, where the application of a Miss Leach was rejected on account of the following section of the statutes: "Every person of good more character, being a voter, shall be entitled to admission to practice law in all courts of justice." The Supreme Court reversed the finding, Judge Hackney writing the pinion. His view was that citizenship be ngs to women as well as men, and that the provision in the qualifications necessary simply affirmed the right of the voter to practice law without even an implied denial the fact that married and unmarried women have not heretofore applied for the privilege to practice law is no reason for solding that they neither may nor may not do so. All statutes, the court held, are to be construed in favor of equality of rights.

Probate Matters. The will of Mary T. Judson was probated yesterday in the Circuit Court. The decedent left one-half of her estate to her grandchildren, William V. Judson, Charles Judson, jr., and Jeannette Judson. other half goes to Frederick R. Judson, son of the decedent, who is to hold it as trustee for the benefit of his children. At his death his wife succeeds to the trust. The Union Trust Company was appointed administrator of the estate, with the will annexed. Anderson C. Cossel was appointed admin istrator of the estate of A. Cossel. Bond, Jane E. McCauley was appointed administratrix of the estate of Christopher C. McCauley. Bond, \$1,100.

Crawford County Seat Case. The long standing case involving the removal of the county seat of Crawford county from Leavenworth to English was argued orally in the Supreme Court yester day. The contention of the attorneys representing the Leavenworth people was that the proceedings thus far have been unconstitutional and that the petitions for the removal have not been made according to law. This is a case that has been fought with great vigor by both sides, and has caused the rupture of many personal friendships. It took a large share of the attention of the Legislature last winter, which passed a special act making it possible to remove the county seat.

Criminal Court Cases. William Tanner, who is not yet of age. was tried yesterday in the Criminal Court for burglarizing the house of Charles Brouse, at Irvington. Judge McCray, after hearing the evidence, took the case under Michael J. Rush, who has been threaten-ing his wife, from whom he is divorced, was bound over to keep the peace for two years, in the sum of \$200.

Woodley Simmons was tried on the burglary charge and sent to prison for three years. John Milburn was sent to the workouse for four months, and John Venables, charged with receiving stolen goods, was found not guilty. County Damage Case Reversed.

Yesterday the Appellate Court, on the strength of the recent opinion of Judge Monks, of the Supreme Court, reversed a county damage suit. The case was from Montgomery county. Nathan L. Coffinberry recovered a judgment against Montgomery county for injuries received on account of a defective bridge, but the recent ruling of the Supreme Court, in which it held that a county could not be held liable for damages for the neglect of its commissioners or agents, caused its reversal.

May Throw Tramps from Trains. day Lee Barlow, ticket agent for the C. & \_\_\_\_\_\_ The Supreme Court yesterday, in revers- "The Prodigal Father" closes a success. S. E., mourned his pet cat as dead. It dis- Tile Floors, special designs. Jno. M. Lilly. ing the decision of the Kosciuske Circuit ful return engagement at the Park with

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Women's

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Court in the case of the Lake Shore & two performances to-day. On Monday Flo dichigan Southern Railway against Martin Patterson, held that a railroad company cannot be held liable for injury where a trespasser is forced to jump from a mov-

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Was Thrown by a Car. William Killian has sued the Citizens' Street-railroad Company for \$10,000 for injuries he received Oct. 20, 1895. He says he was trying to get off a car when it started with a jerk, throwing him to the pavement.

Ejected from a Saloon. The damage suit of Charles Hendricks against George Coble, a Brightwood saloon keeper, is on trial in Room 1, Superior Court. The plaintiff avers that he was violently ejected from Coble's saloon without cause.

> THE COURT RECORD. Supreme Court.

17613. Olleman vs. Olleman, Morgan C. C. Affirmed. Howard, J.-In an action for di vorce on the ground of cruel treatment it is not error for the court to allow after the cause is at issue and pending the trial, the defendant to file an additional paragraph of answer setting up facts going to show self-defense in answer to a charge asseult against him

17319. L. S. and M. S. Ryco vs. Peterson Kosciusko C. C. Reversed. Hackney, C. J.-1. Where authority is conferred by a writ ten instrument the scope of such authority is generally a question of law for the court 2. The burden rests upon an injured tres-passer to show that the brakeman inflicting the injury possessed the authority to do the act which resulted in the injury. 3. The rule governing brakeman was as fol lows: "They are under immediate orders of the conductor or yardmaster with who they serve, and must give him every assist ance in the performance of his duty. They are to ask and receive from him all instrutions necessary to their duties. In genera hey are the servants and guardians of the train, to do all the work required during its trip and to protect it from danger. Held, that there is no implied authority the rule by which a brakeman is authoriz to eject trespassers from the train, and tha the company cannot be held to answer in damages for such action of the brakeman unless he is authorized by a superior office: to eject such person from the train.

17343. Saunders vs. Montgomery. Vander-burg S. C. Petition for rehearing over-Appellate Court. Board of Commissioners vs. Coffin

Fountain C. C. Reversed, Gavin, C I.-A county is not required to answer in damages for the negligence of its commissloners in failing to keep its bridges in 1708. Natural Gas Company vs. Downing Howard C. C. Reversed. Reinhard, J.-It i error for the trial court to instruct the jury

that it may return prospective damages for the laying of gas lines upon the com-plainants' land. Superior Court. Room 1-John L. McMaster, Judge. Otis C. Hann vs. John B. Hann; partition Jury returned verdict for plaintiff. Charles Hendricks vs. George Coble; dam-

Room 2-Lawson M. Harvey, Judge. The Anheuser-Busch Brewing Associaion vs. Elwood McCann; chattel mortgage Judgment against defendant for \$262 and also judgment for \$13.60 and costs. On motion Caroline B. Hendricks was ac mitted to practice at the bar. M. J. Osgood vs. John W. Singleton et al foreclosure. Judgment against defendan for \$806.58 and costs of foreclosure and sale. Indianapolis Brewing Company vs. Elizabeth Kimbrough; foreclosure. Dismissed and costs paid James S. Pirtle was admitted to practice Cassius M. Coleman et al. vs. G. H. Gold berry; notes. Judgment against defendant for \$565.65 and costs Room 3-Pliny W. Bartholomew, Judge.

ages. On trial by jury.

Indianapolis Brewing Company vs. Christian Wiese; foreclosure. Receiver files final William M. Gates et al. vs. Harry Hall; account. Dismissed and costs paid. Circuit Court. Edgar A. Brown, Judge.

James Rennihan vs. M. H. Spades: for possession. Dismissed and costs paid. In liana Bond Company vs. Henry D. lesse et al. Dismissed and costs paid. Indiana Bond Company vs. The Hunt Soap and Chemical Company. Dismissed and costs paid.

New Suits Filed. Edward H. Eldridge vs. A. C. Conner al.; suit to foreclose lien. Superior William vs. Citizens' Street-railroad; suit for damages. Superior Court, Melvin S. Allen vs. Ira Jones et al.; suit to quiet title. Superior Court, Room 3.
Indiana Bond Company vs. Emma A. Winsor, street lien. Circuit Court. Charles D. Kirk vs. Western Salvage Wrecking Company; suit for damages, Su-perior Court, Room 1. George S. Brown et al. vs. George K. Schofield; suit on note. Superior Court,

AMUSEMENTS.

Room 3.

Notes of the Stage. "la Navarraise," Massenet's opera brought over from Paris with Calve this season, has not met with great favor in This week, at the Paris Opera, took place the first production of "Fredegonde," comcosed by Guiraud and Saint-Saens. The libretto is by Gallet and is pronounced

tedious. The original work was to have been composed by Guiraud, but that musi-cian died and Saint-Saens completed it. A cablegram to the New York Herald

says the opera had an indifferent success, and its posters will not be seen long. The 1895 Christmas Dramatic Mirror is a brilliant literary and illustrated number. This standard publication, so capably edited by Harrison Grey Fisk, contains bright, interesting and well-written articles, both of fiction and reminiscences, that reflect credit on the authors, all of whom are in the profession of actors or closely connected therewith. The illustrations are all works of art, some extremely attractive. There is a striking article on "Mugwumps of the Drama," by Paul Potter, that should effectually silence the magazine howlers against the American drama. This issue

treasured for future reference. "Government Acceptance," which is to be presented Christmas matinee and night at the Grand, will prove decidedly novel to the many admirers of Stuart Robson. In his new play Mr. Robson will be seen in a character differing in every respect from the many he has assume

of the Mirror is one to be read and then

It has been over two years since Tim Murphy was last seen here in Hoyt's comedy. "A Texas Steer," easily the cleverest of the many comedies which this American playwright has brought forth. Tim Mur-phy created and made a decided success of the character of Maverick Brander, the Texas cattle king. His engagement at En-glish's, the first half of next week, with a Christmas matinee, is likely to prove pop-

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ence Bindley opens in "The Captai Mate.' The Empire will be crowded with childr this afternoon to witness the performs of "Humpty Dumpty" and secure the present promised. The next attraction at the Empire will be Harry W. Semon's extravaganza company, commencing Monday mati-

DUCK HUNTER DROWNED.

Recoil of His Gun Throws Alois Woerner from a Boat Into the River.

Alois Woerner, a saloon keeper at Indina and Senate avenues, was drowned at Broad Ripple yesterday afternoon. The body was not recovered. Woerner lived with his family at No. 452 Senate avenue. duck hunting with Walter Stevens, and in the course of the afternoon the chase led the hunters to Broad Ripple. When the accident happened Woerner was in the boat, about half way between Broad Ripple Park and the island. Stevens was on the bank. Woerner, in shooting at flying ducks, stood up in the boat and lost his balance by the recoil of the gun. He fell overboard and was unable to save himself. At the point where he went down the water is very deep and several attempts to lo-cate the body proved unsuccessful.

CITY NEWS NOTES.

The East Market will be open all day and evening Tuesday, Dec. 24. Ruckle Post, G. A. R., will repeat the Deestrick Skule" to-night in Bellefontaine

Mr. E. G. Cornelius will lead the gospel service at the rooms of the Young Wom-en's Christian Association on Sunday at 6

There will be a meeting of the Traveling Men's Republican Club this evening for the annual election of officers. All members are requested to be presen Rev. J. E. Cathell, formerly pastor of St. Paul's Episcopal Church, of Richmond, was in the city yesterday to see Bishop White,

the church and desired to lay the matter be-fore the bishop. The congregation did not like some of his sermons and will also make a complaint to Bishop White. Western Horseman's Christmas. The Christmas number of the Western Horseman is a valuable work for horse fanciers. It contains almost 100 pages, exclusive of advertisements, of which nearly one-third is valuable statistical informs tion, giving records of all fast horses and their work during the last year. The cover

is in colors and represents two lovers as they pass on horseback under an arch where the mistletoe hangs. The usual result is what is shown as happening. They Denounce Rev. J. W. Carr. The Baptist Ministerial Alliance has considered the case of Rev. J. W. Carr, of the Second Baptist Church (colored), who is missing. The Alliance has heard the statements from the two women claiming to be

wives of Mr. Carr, and the hand of fellowship has been withdrawn from him. Rev. J. M. Morton has been exonerated of the charge of using his influence in any way against Mr. Carr, the latter being held at

Claims Two More Players. Manager Watkins has filed his claim for T. J. White and George Treadway, of Brooklyn. A supplemental list issued by President Johnson, of the Western League, shows that all the clubs have filed claims since the original list was issued a she time ago. Manager Watkins is hard at work hunting good players. He says he expects to have a much stronger team next

year than he had last season.

a common gambler.

Arrested as He Left a Train. A man giving the name of Elmer Brantell was arrested at the Union Station, yestertrain. Two suspicious looking fellows, who were with him, got away. The trio came in from the East. They attracted the attention of conductor Gray, who telegraphed the depot officials that they were aboard. Bran-tell was charged with loitering and being

Funeral of Henry Hirshman. The funeral of Henry E. Hirshman, the engineer killed at Bloomington, will be held this afternoon. The burial will occur at Crown Hill.

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Cannot Speak Too Highly.

Mr. W. H. Coleman, manager of the American Tailors, 36 East Washington street, Indianapolis, said to a reporter; "I cannot speak too highly of the merits of Dr Hobbs's Pills. They have certainly proved very beneficial to me. I unhesitatingly reco